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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,054	11/03/2003	Louis A. Lippincott	42P17678	5501

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INTEL CORPORATION
c/o INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER

THOMAS, ERIC M

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/701,054

Applicant(s)

LIPPINCOTT, LOUIS A.

Examiner

Eric M. Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 and 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/18/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 10 - 16, drawn to method of receiving video information from a remote program over a communication link, classified in class 463, subclass 42.
 - II. Claims 22 - 24, drawn to method of receiving video game information from two distinct video streams, classified in class 348, subclass 555.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, invention I has separate utility such as ****receiving video information over a communication link***. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to

provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction were not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 5, 7 - 9, and 17 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song (US 6,072,541) in view of Stoel (US 5,675,828).

Regarding claim 1, Song discloses an apparatus, which comprises of an interface, which is capable of receiving video game data from a game communication link (col. 5, lines 1 – 6, and figs. 2 and 3), it also includes a detection and steering module used to detect information in the video game data in order to route the data based on the this information (col. 12, line 53 – col. 13, line 3, and fig. 8), and a buffer which temporarily stores the video game data (col. 11, lines 3 – 6, 63 – 65, and fig. 5).

Regarding claim 2, Song discloses an apparatus, which comprises of a receiver that is able to receive data from one or more controllers, which could transmit the control data that is based on the detection and steering module (col. 5, lines 23 – 28).

Regarding claim 3, Song discloses an apparatus, which includes a game control receiver, which is capable of multiplexing control data from two or more controllers when the tag information includes two or more different tags (col. 5, lines 23 – 28, and figs. 8 and 15).

Regarding claim 4, Song discloses an apparatus, which comprises of an interface that is arranged to send out the control data from the game control receiver on the game communication link (col. 5, lines 1 – 6, and figs. 2 and 3).

Regarding claim 5, Song discloses an apparatus, which comprises of a mixer or modulator, which is used to synthesize the signals that are stored in the main buffer (col. 11, lines 11 – 22). Song's apparatus, however, only consists of one modulator, however, Stoel teaches of a gaming apparatus, which comprises of a plurality of modulators and buffers, (col. 3, lines 19 – 26), which are used for receiving signals generated by the video game engine (col. 5, lines 57 – 60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a plurality of modulators into the apparatus of Song, in order to modulate the video signals from the buffers more efficiently at different frequencies.

Regarding claim 7, Song discloses an apparatus, which comprises of a modulator that is connected to the tuner or media information link, which modulates the signal (col. 4, line 57 – col. 5, line 1). Song's apparatus, however, only consists of one modulator, however, Stoel teaches of a gaming apparatus, which comprises of a plurality of modulators and buffers, (col. 3, lines 19 – 26), which are used for receiving video signals (col. 5, lines 57 – 60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a plurality of modulators into the apparatus of Song, in order to modulate the video signals from the buffers more efficiently at different frequencies.

Regarding claim 8, Song discloses an apparatus wherein the detection and steering module routes different portions of the video data to the buffer when the tag includes two or more distinct tags (col. 12, line 53 – col. 13, line 3). However, Song's apparatus only consist of one buffer, however, in a related art, Stoel teaches of a gaming apparatus, which comprises of a plurality of buffers which are used to temporarily store game data (col. 3, lines 19 – 26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a plurality of buffers into the apparatus of Song, to store more portions of video game data into the buffers to be modulated.

Regarding claim 9, Song discloses an apparatus wherein the detection and steering module routes all of the video data to the common buffer when the video signal or tag information is not detected (col. 12, line 53 – col. 13, line 3 and fig. 8).

Regarding claim 17, Song discloses an apparatus or media center, which comprises of interface to receive video game data including first and second tags from a communication link (col. 5, lines 1 – 10, and figs. 8 and 15). It also includes a modulator, which is used to modulate the video game data related to the tags at a frequency on the communication ink (col. 11, 5 – 23). Song's apparatus, however, only consists of one modulator, however, Stoel teaches of a gaming apparatus, which comprises of a plurality of modulators, (col. 3, lines 19 – 26), which are used for receiving signals generated by the video game engine (col. 5, lines 57 – 60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to

include a plurality of modulators into the apparatus of Song, in order to separate the video game data based on different tag information.

Regarding claim 18, Song discloses an apparatus or media center, which comprises of a receiver that is able to receive data from one or more controllers, which could transmit the control data that is based on the detection and steering module (col. 5, lines 23 – 28).

Regarding claim 19, Song discloses an apparatus, which comprises an antenna connected to the tuner or receiver to receive information from the controllers (col. 2, lines 58 – 61 and fig. 2).

Regarding claim 20, Song discloses an apparatus or media center, which comprises of a buffer, which temporarily stores the video game data (col. 11, lines 3 – 6, 63 – 65, and fig. 5). However, Song's apparatus only consist of one buffer, however, in a related art, Stoel teaches of a gaming apparatus, which comprises of a plurality of buffers which are used to temporarily store game data (col. 3, lines 19 – 26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a plurality of buffers in the apparatus of Song in order to store more portions of video game data into the buffers to be modulated.

Claims 6, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song (US 6,072,541) in view of Crump (US 5,801,785).

Regarding claims 6 and 21, Song discloses an apparatus, which comprises of a tuner to receive media data from the communication link. Song is silent on whether or not a decoder is present in the apparatus, in a related art however, Crump discloses an

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apparatus, which comprises of a plurality of tuners, (col. 7, lines 22 and 36), and a decoder that is used for processing video signals (col. 11, lines 54 – 61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a decoding module in the apparatus of Song, in order to decode the channel information from the tuner and communication link.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Ronald Jensen
Primary Examiner
4/2/07